

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

**CHARLES CATON and
BARBARA CATON,**

Plaintiffs,
v.
GREEN TREE SERVICES, L.L.C.,
Defendant.

**CIVIL ACTION NO. 3:06-CV-75
(BAILEY)**

**MEMORANDUM ORDER AFFIRMING AND
CLARIFYING MAGISTRATE JUDGE'S ORDER**

Pending before this Court is Defendant Green Tree Servicing LLC's Objections and Request for Clarification to the "Memorandum, Opinion, and Order Granting in Part and Denying in Part Plaintiffs' Motion to Compel Discovery and Defendant's Motion for Protective Order" (Doc. 75).

As noted in the Magistrate Judge's Order, the parties engaged in discovery, and a dispute arose. The plaintiffs filed a motion to compel on June 1, 2007 (Doc. 36). By Order entered June 8, 2007 (Doc. 38), the motion to compel and all subsequent discovery disputes were referred to Magistrate Judge Seibert. The defendant filed a response to the motion to compel on June 15, 2007 (Doc. 41). The plaintiffs filed their reply on July 5, 2007 (Doc. 56). The Magistrate Court held an evidentiary hearing on the motion to compel on July 6, 2007.

On the same day, the defendant filed a motion for a protective order (Doc. 58). The plaintiffs filed a response on July 20, 2007 (Doc. 67). The Magistrate Court held a hearing

on the motion for protective order on July 24, 2007.

On August 2, 2007, the Magistrate Court issued its Memorandum, Opinion, and Order Granting in Part and Denying in Part Plaintiffs' Motion to Compel Discovery and Defendant's Motion for Protective Order (Doc. 72). On August 16, 2007, the defendant filed its objection to the Magistrate Judge's rulings (Doc. 75), with the plaintiffs filing their response on August 24, 2007 (Doc. 80).

This Court, having reviewed the Magistrate Judge's Order, the objections thereto, and the response of the plaintiffs, is of the opinion that the Magistrate Judge's Order is correct.

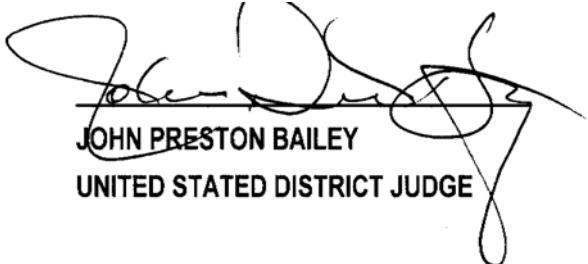
With respect to the request for clarification regarding the deposition testimony to be taken concerning other lawsuits filed against Green Tree, any deposition testimony taken concerning other lawsuits shall be filed, to the extent the same are filed with the Court, under seal.

For the reasons stated above, this Court will **AFFIRM** and **ADOPT** the Magistrate Court's decision granting in part and denying in part Plaintiffs' Motion to Compel Discovery and Defendant's Motion for Protective Order (Doc. 72). Therefore, Defendant Green Tree Servicing LLC's Objections and Request for Clarification to the "Memorandum, Opinion, and Order Granting in Part and Denying in Part Plaintiffs' Motion to Compel Discovery and Defendant's Motion for Protective Order" (Doc. 75) is **DENIED** and **OVERRULED**.

It is so **ORDERED**.

The Clerk is hereby directed to transmit copies of this Order to counsel of record herein.

DATED: September 4, 2007



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE